

RESOLUTION NO. 109-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT LOCATED AT 25 AND 27 SE 3RD AVENUE AND AN UNADDRESSED PARCEL ON SE 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 25 SE 3rd Avenue, LLC (“Owner”), is the owner of a three parcels of land measuring approximately 0.35 acres, two located at 25 and 27 SE 3rd Avenue and a third unaddressed parcel located on SE 4th Avenue (collectively referred to as “Property”), as more particularly described in Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, Owner designated Joseph A. Ruiz, Esq. (“Applicant”), to act as its agent regarding the Property; and

WHEREAS, the Property is zoned Central Business District (“CBD”); and

WHEREAS, the Property consists of an existing building and a nine-space private parking lot; and

WHEREAS, the City of Delray Beach, Florida (“City”), received a Level 4 Site Plan Application (File No. 2022-018) and in-lieu parking fee request (File No. 2025-164) from the Applicant associated with the Property for the adaptive reuse of an existing drive-thru bank to a 10,811 square-foot, two-story restaurant (“Project”); and

WHEREAS, pursuant to the Land Development Regulations of the City of Delray Beach (“LDR”), the Project requires 65 parking spaces; and

WHEREAS, the Project is credited with 29 parking spaces based on the prior approved use as a bank; and

WHEREAS, in addition to the credited parking spaces, the Project provides 10 of the required 65 spaces on site; and

WHEREAS, for properties zoned CBD, Section 4.4.13(I)(3)(a)6. of the LDR provides that if the required parking is not or cannot be provided on-site or off-site, the in-lieu of parking fee option provided in Section 4.6.9(G) may be requested for certain developments that advance City policy-driven goals; and

WHEREAS, the Owner is eligible to request an in-lieu parking fee pursuant to LDR Section 4.6.9(G)(2)(a); and

WHEREAS, LDR Section 2.4.11(F)(5) requires that prior to approving an in-lieu of parking fee request, the approving body must make the following findings:

- (a) Public parking options, including on-street parking, public parking lots, and public parking garages are available within 1,320 feet measured along a pedestrian route to the building entrance. Parking with utilization rates higher than 80% in the 12 months preceding the request is not considered to be available. Historic properties, as defined in Section 4.6.9(G)(2)(b) are exempt from this finding.
- (b) The in-lieu of parking fee request supports at least one of the following City policy driven goals:
 - 1. Preservation of a historic structure by allowing its use, adaptive reuse, or expansion while maintaining the character of the property or historic district by avoiding excessive use of historic properties for parking; or
 - 2. Investment in the West Atlantic Neighborhood Sub-district consistent with the West Atlantic Master Plan; or
 - 3. Adaptive reuse or expansion of an existing building resulting in a building not more than a total of two stories in height.
- (c) The in-lieu of parking fee request does not facilitate development that will demolish the following types of structures within the Central Business (CBD) District or Old School Square Historic Arts District (OSSHAD) zoning:
 - 1. An individually designated or contributing historic structure in a historic district;
 - 2. A non-contributing structure that is at least 35 years old in a historic district, unless the Historic Preservation Board makes a finding the building should not be reclassified to contributing; or
 - 3. Any structure that has been identified for potential designation through a resource survey; and

WHEREAS, Resolution No. 80-24 amended the schedule of In-Lieu of Parking Fees per designated area; and

WHEREAS, the Project is located within Area 1, which sets forth an in-lieu of parking fee of \$30,000 per space; and

WHEREAS, the Owner is requesting to pay a fee of \$780,000.00 in lieu of providing 26 required parking spaces on the Property; and

WHEREAS, on June 17, 2025, the City Commission considered the in-lieu request for 26 parking spaces and the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated herein by this reference and are approved.

Section 2. The City Commission makes positive findings that public parking options, including on-street parking, public parking lots, and public parking garages are available within 1,320 feet measured along a pedestrian route to the building entrance, the in-lieu of parking fee request supports adaptive reuse of an existing building not more than a total of two stories in height, and does not facilitate development that will demolish an individually designated or contributing historic structure in a historic district or a non-contributing structure that is at least 35 years old in a historic district, or any structure that has been identified for potential designation through a resource survey.

Section 3. The City Commission approves the Owner's request to pay a fee of \$750,000.00 in-lieu of providing 26 required parking spaces for the existing restaurant.

Section 4. The City Commission authorizes the City Manager to execute an agreement consistent with the approval herein.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Joseph A. Ruiz, Esq., 396 Alhambra Circle, North Tower, 14th Floor, Coral Gables, Florida, 33134.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit “A”

PARCEL 1 – 25 SE 3RD AVENUE:

LOT 36, BLOCK 93, RE-SUBDIVISION OF BLOCK 93, CITY OF DELRAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PCN: 12-43-46-16-01-093-0360

PARCEL 2 – 27 SE 3RD AVENUE:

LOTS 34 AND 35, BLOCK 93, RE-SUBDIVISION OF BLOCK 93, CITY OF DELRAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PCN: 12-43-46-16-01-093-0340

PARCEL 3 – UNADDRESSED PARCEL ON SE 4TH AVENUE:

ALL OF LOT 8 AND THE WEST 10 FEET OF LOT 7, BLOCK 93, RE-SUBDIVISION OF BLOCK 93, CITY OF DELRAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PCN: 12-43-46-16-01-093-0072

CONTAINING 15,129 SQUARE FEET OR 0.347 ACRES, MORE OR LESS.